

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, April 21, 2010, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, March 31, 2010 Worksession.

Action: Approved, (SBB/WSB, 5-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

(a) **A-6312, Petition of Martha Schaerr** (accessory structure/swimming pool).  
Hearing held 3/17/2010.

Action: Granted order extending time, (DKP/WSB, 5-0).

3. **CBA-2117-A, Petition of Francis J. Collins Funeral Home, Inc.** (funeral home). Letter from John McHugh, Executive Vice President, notifying the Board of the petitioner's compliance with Conditions No. 9 through 16 of its Resolution dated 2/19/09.

Action: Granted the administrative modification, (CJS/SBB, 5-0).

4. **CBA-2212-A, [CBA-2212, CBA-2614, S-535], Petition of Flower Valley Bath and Racquet Club, Inc.** (community swimming pool). Letter to the Board from Gary Feldman, President, submitting the club's annual report.

Action: Re-opened the record to include the club's annual report, (DKP/SBB, 5-0).

5. **CBA-2759, Petition of Frank W. Meszaros** (major home occupation). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS), requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DKP/CJS, 5-0).

6. **S-460, Petition of Barlow Wagaman and Larry H. Gandel** (non-resident medical practitioner). Inspection report to the Board from Barbara Piczak, Inspector, DPS.

Action: (1) Re-open record to include Ms. Piczak's inspection report (SBB/DKP, 5-0); (2) inspection report notes that the special exception is in compliance.

7. **S-570, Petition of Wildlife Achievement Chapter of Izaak Walton League of America, Inc.** (private club with outdoor rifle range). Letter to the Board from Guy Wright, President, requesting an administrative modification.

Action: Item deferred to request that the petitioner provide a site plan which shows the proposed site modifications, consensus.

8. **S-686-C, Petition of Landon School** (private educational institution). Letter to the Board from Stuart Barr, Esquire, requesting an administrative modification.

Action: (1) Granted the administrative modification, (2) hours of operation and the lighting of the tennis bubble limited to the time period its in place, (DKP/SBB, 5-0).

9. **S-1260, Petition of Mary Helen Shortridge** (accessory apartment). Memorandum from Unray Peters, Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked the special exception as abandoned, (SBB/WSB, 5-0).

10. **S-1887, Petition of Old Georgetown Medical Building, LLC** (medical clinic). Letter to the Board from Stanley Abrams, Esquire, submitting a copy of the sign permit as required by the Board's 2/26/09 Resolution.

Action: Re-opened the record to include Mr. Abrams' letter with the sign permit, (SBB/CJS, 5-0).

11. **S-1922, Petition of Sandy Spring National Bank** (general office for a bank). Letter to the Board from Susan Carter, Esquire, requesting an administrative modification. [Large exhibit: approved landscape and lighting plan].

Action: Granted the administrative modification. Landscape and lighting plan to be submitted to M-NCPPC technical staff for review, (CJS/DKP, 5-0).

12. **S-2227, Petition of Sandra Jacobson** (accessory apartment). Memorandum from Unray Peters, Inspector, DHCA, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WSB/CJS, 5-0).

13. **S-2698, Petition of Sheila R. and Achintya Pal** (accessory apartment). Letter from the petitioners notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception for failure to implement, (DKP/SBB, 5-0).

#### **DECISION ITEM:**

14. **S-2751, Petition of Victory Oaks, Inc.** (elderly and handicapped housing). Hearing Examiner's Report and Recommendation.

Action: (a) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (SBB/DKP, 5-0).

#### **PENDING ITEMS:**

15. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
16. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
17. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].
18. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].

**PENDING ITEMS (continued):**

19. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
20. **S-1713, Petition of Deda's Farm, LLC** (landscape contractor). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for site plan with the new and old barn locations. [W/S 3/31/2010].
21. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].
22. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].

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